

Serial No.: 10/718,255

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

There is no additional fee for this Amendment because the total number of claims and the total number of independent claims remain unchanged.

Request for Telephone Interview

Applicant urges that the subject U.S. patent application is now in condition for allowance. Should any issue require additional discussion, Applicant urges the Examiner to contact the undersigned.

Amendment to Claims

Applicant has amended Claims 1, 17 and 21 to include the limitations that the first and second cutting blades are aligned. Applicant has further amended Claim 1 to include the limitation that the first and second cutting blades are sharpened.

Objection to Drawings and Claim Rejections - 35 U.S.C. §112

The Examiner has Objected to the drawings for failing to show the “input conveyor” in Claim 15. The Examiner has accordingly rejected Claim 15 under 35 U.S.C. 112 as indefinite. Applicant has canceled Claim 15 thereby rendering the subject rejections moot.

Claim Rejections - 35 U.S.C. §102 and 103

The Examiner has rejected Claims 1-21 under 35 U.S.C. §102 and/or 35 U.S.C. §103 as being anticipated and/or rendered obvious by Capodieci, U.S. Patent 6,143,336 (the '336 Patent). Applicant urges reconsideration in view of the claims as amended and the following remarks.

Applicant urges that the '336 Patent does not teach or suggest the claimed invention as the embodiments disclosed in accordance with Figs. 5 and 7 do not teach or suggest two separate and aligned cutting surfaces as required in Applicant's claimed invention. Instead, the '336 Patent teaches partitions or dividing walls *within a single cavity* that form food products into unitary but segmented products as shown by element 125 of Fig. 5 and element 425 of Fig. 7. The leading edges of these partitions are not sharpened and are recessed relative to the cutting surfaces formed around the perimeter of the cavity.

In addition, the '336 Patent does not teach or suggest an "open end" as required in Applicant's claimed invention as each cutting blade of the horn taught by the '336 Patent forms a fully enclosed "cavity." Applicant urges that the pending claims are allowable in view of the '336 Patent and early allowance is respectfully requested.

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Conclusion

Applicant believes that the above Amendment and remarks address each and every issue raised by the Examiner and overcome each and every objection and rejection. However, should the Examiner detect any remaining issue, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KDE', is written over the typed name.

Kevin D. Erickson
Registration No. 38,736

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400
FAX (847) 490-1403